

IN RE: PETITION FOR ADMIN. VARIANCE
S/S Dalewood Road, 660' E of
the c/l of Valdene Court
(2212 Dalewood Road)
8th Election District
3rd Councilmanic District
Timothy W. Robinson, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-194-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Timothy W. and Carolyn H. Robinson. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, as more particularly described on Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of December, 1993 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

TMK:hje

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 12/8/93
By [Signature]

- 2 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

December 8, 1993

(410) 887-4386

Mr. & Mrs. Timothy W. Robinson
2212 Dalewood Road
Timonium, Maryland 21093

RE: PETITION FOR ADMINISTRATIVE VARIANCE
660' E of the c/l of Valdene Court
(2212 Dalewood Road)
8th Election District - 3rd Councilmanic District
Timothy W. Robinson, et ux - Petitioners
Case No. 94-194-A

Dear Mr. & Mrs. Robinson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration Office at 887-3391.

Very truly yours,

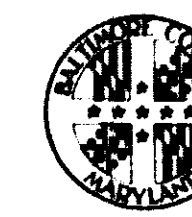
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

Printed on Recycled Paper



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2212 Dalewood Rd
94-194-A which is presently zoned DR-1

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned legal owners of the property situated in Baltimore County and which is described in the description and plat attached hereto, hereby petition for a Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County, for the following reasons, indicate hardship or practical difficulty:
This location is the most suitable location for a swimming pool.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising posting and signing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County, adopted pursuant to the Zoning Law for Baltimore County.

Contact Person's name: *Carolyn H. Robinson*
Type of Petition: *Administrative Variance*
Signature: *Carolyn H. Robinson*
Address: *2212 Dalewood Rd, Timonium, MD 21093*
City: *Timonium* State: *MD* Zip: *21093*
Attorney for Petitioner: *Timothy W. Robinson*
Type of Petition: *Administrative Variance*
Signature: *Timothy W. Robinson*
Address: *2212 Dalewood Rd, Timonium, MD 21093*
City: *Timonium* State: *MD* Zip: *21093*
Attorney for Petitioner: *Timothy W. Robinson*

A Public Hearing having been requested and/or found to be required, it is ordered that the Petition for Administrative Variance be held at the following time and place: *11-5-93*
The undersigned legal owners of the property situated in Baltimore County and which is described in the description and plat attached hereto, hereby petition for a Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard.
REVIEWED BY: *R.T.* DATE: *11-5-93*
ESTIMATED POSTING DATE: *11-21-93* ITEM #: *198*

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 2212 Dalewood Rd
Timonium MD 21093

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: *The location is the most suitable location for a swimming pool.*

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Carolyn H. Robinson
Timothy W. Robinson
STATE OF MARYLAND, COUNTY OF BALTIMORE, ss: I, *Carolyn H. Robinson* and *Timothy W. Robinson*

I HEREBY CERTIFY, this *5th* day of *November*, 19*93*, before me, a Notary Public of the State of Maryland, ss and for the County aforesaid, personally appeared *Carolyn H. Robinson* and *Timothy W. Robinson*

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the contents and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal, *11/7/93*

My Commission Expires *Oct 1, 1997*

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

94-194-A
ZONING DESCRIPTION FOR 2212 DALEWOOD RD (address)
Election District 8 Councilmanic District 3
Beginning at a point on the South side of Dalewood Rd which is 50 (number of feet of right-of-way width) (street on which property fronts)
wide at a distance of 660' ± (number of feet) (north, south, east or west) East of the centerline of the nearest improved intersecting street: Valdene Court (name of street)
which is 50' (number of feet of right-of-way width) wide. *Being lot # 65.
Block 3 in the subdivision of Port Spring (name of subdivision)
Book # 1, Folio # 1, containing 1 (square feet and acres) *ITEM #198*

*If your property is not recorded by Plat Book and Folio Number, then DON'T attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber # 1, Folio # 1 and include the measurements and directions (measures and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 03" E. 87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 7th Date of Posting: 11/19/93
Posted for: Variance
Petitioner: Timothy W. Robinson
Location of property: 2212 Dalewood Rd, S/S, 660' E of Valdene Ct
Location of Sign: Facing side of property, near corner
Remarks: None
Posted by: [Signature] Date of return: 11/26/93
Number of Signs: 1

Baltimore County Government
Office of Zoning Administration
and Development Management



West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 26, 1993

Mr. and Mrs. Timothy W. Robinson
2212 Dalewood Road
Timonium, Maryland 21093

RE: Case No. 94-194-A, Item No. 198
Petitioner: Timothy W. Robinson, et ux
Petition for Administrative Variance

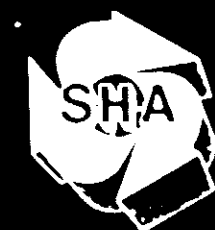
Dear Mr. and Mrs. Robinson:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on November 5, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 887-3353

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2288 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21202-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: November 15, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 187, 191, 195, 196, 197, 198 and 199.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long

Division Chief: _____

PK/JL:lw

ZAC 187/PZONE/ZAC1

Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

NOVEMBER 18, 1993

(410) 887-3610

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

MEETING OF NOVEMBER 15, 1993

Property Owner: Roger Wadkins and Beatrice K. Wadkins
Location: #1630 Cape May Road
Item No.: 190 (JRP)

Property Owner: Catherine O. Deen & Holly Lee Deen
Location: #11823 Manor Road
Item No.: 193 (JCM)

Property Owner: Charles Michael Thomas & Catherine A. Thomas
Location: #9 Graveswood Road
Item No.: #194 (WCR)

Property Owner: Michael J. Biller & Pamela M. Biller
Location: #2311 Shaded Brook Drive
Item No.: #195 (JRP)

Property Owner: Edward C. Byrnes & Lisa S. Byrnes
Location: #1710 Kurtz Avenue
Item No.: #196 (JJS)

Property Owner: Sylvester W. Applebaum and
Dorothy J. Applebaum
Location: #401 Oak Forest Avenue
Item No.: #197 (JJS)

Property Owner: Carolyn H. Robinson & Timothy W. Robinson
Location: #2212 Dalewood Road
Item No.: #198 (RT)

Property Owner: George H. Woodward & Doris C. Woodward
Location: #19504 Resh Mill Road
Item No.: #199 (JCM/JRP)

Gentlemen:

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on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOVEMBER 18, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Carolyn H. Robinson and Timothy W. Robinson
2212 Dalewood Road
Timonium, Maryland 21093

Re: CASE NUMBER: 94-194-A (Item 198)
2212 Dalewood Road
2212 Dalewood Road, Cathey & J. J. Walters Court
9th Election District - 1st Councilman

Please be advised that your petition for Administrative Zoning Review has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3353. This notice also serves as a reference regarding the Administrative process.

1) Your property will be posted on or before November 21, 1993. The closing date (November 5, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Safety Zoning Commission. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commission), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Carl Jablon

Arnold Jablon
Director

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on Recycled Paper

Pot Spring Community Association
TIMONIUM, MARYLAND

October 19, 1993

Ms. Carolyn H. Robinson
2212 Dalewood Road
Timonium, Maryland 21093

Dear Ms. Robinson,

The Civic Improvement Committee of the Pot Spring Community Association has reviewed your plan for building an in-ground pool on your property. We find the plan acceptable and in accordance with the Association's Covenants.

Compliance with Baltimore County Zoning and Building Codes requirements are the responsibility of the property owner.

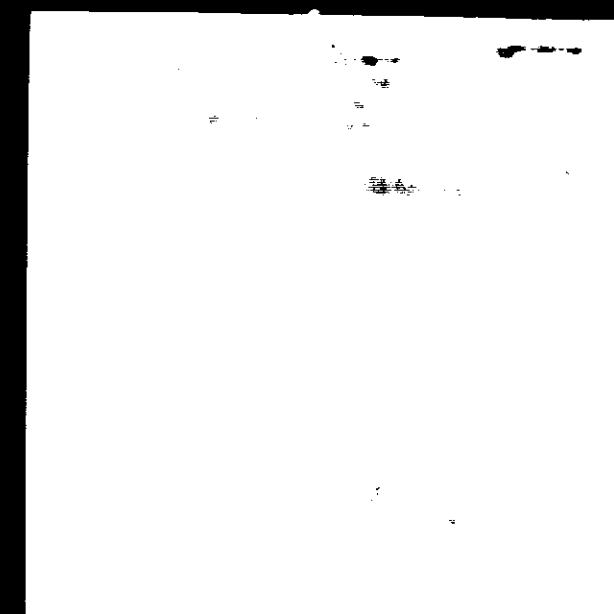
Very truly yours,

William F. Wilke
William F. Wilke
Chairman

WFW MP
cc: Don Roesch

ITEM # 198

94-194-A



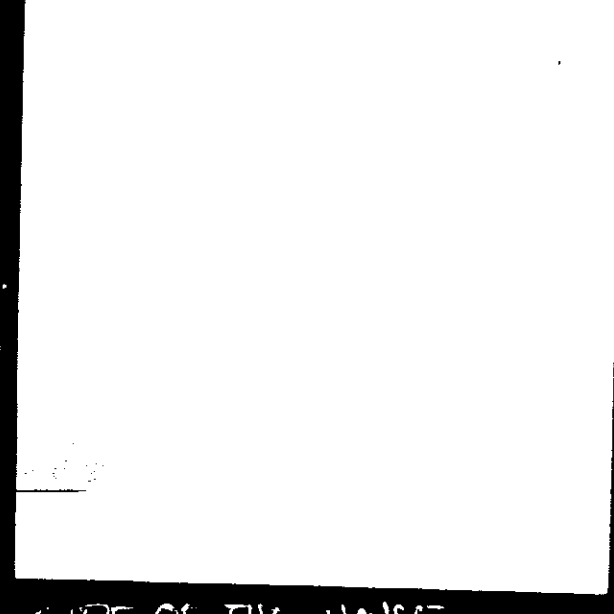
PROPOSED LOCATION OF THE
POOL (SEE MAP)
ITEM # 198



LOCATION OF THE POOL (SEE MAP)
ITEM # 198



FRONT YARD
ITEM # 198



SIDE OF THE HOUSE
LOOKING OUT
PROPOSED LOCATION OF THE POOL
ITEM # 198



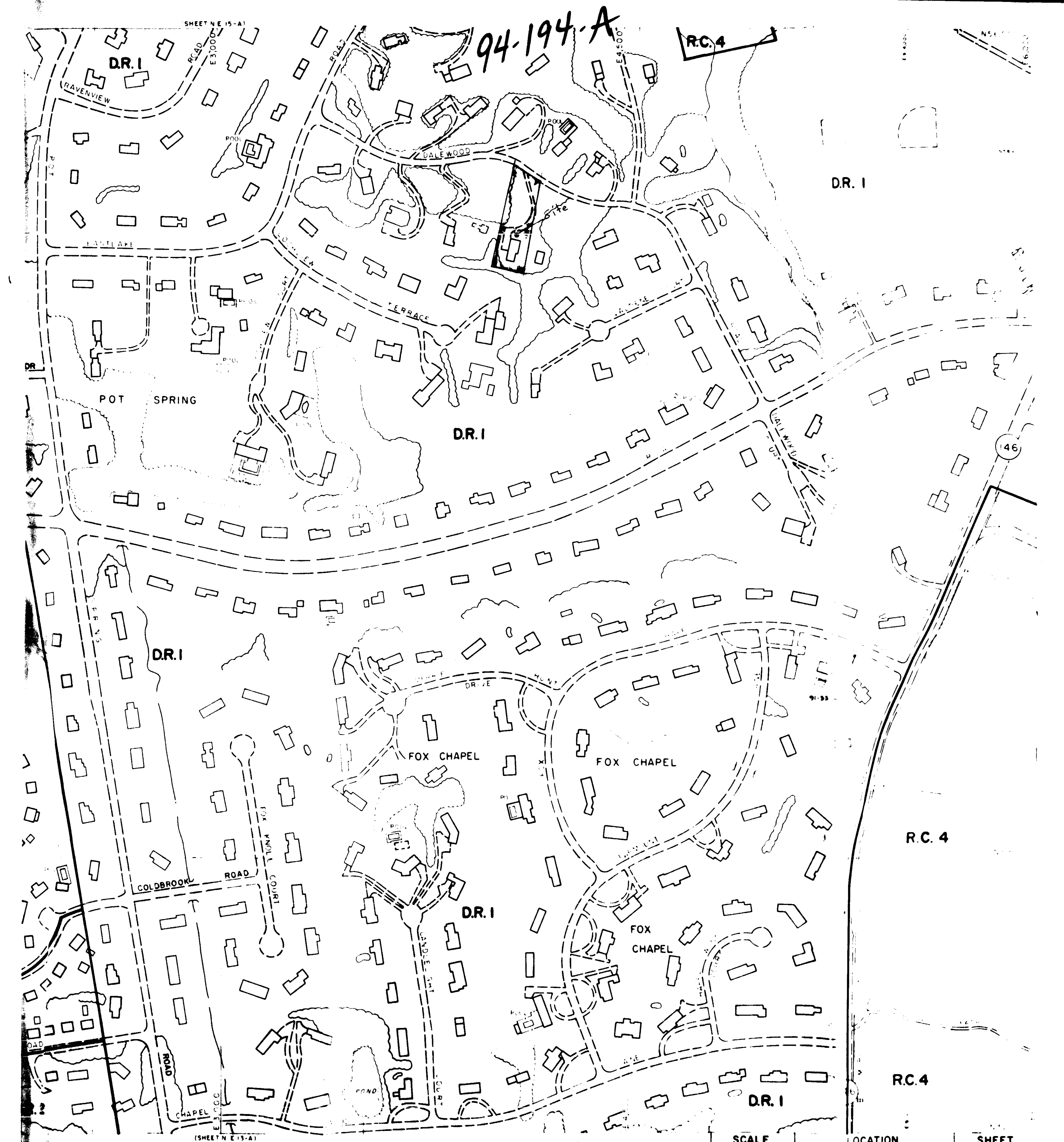
**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

94-194-A
ITEM # 198

SCALE 1" = 200' ±	LOCATION TIMONIUM	SHEET NE 14-A
DATE OF PHOTOGRAPHY JANUARY 1986		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21218

Adopted by the Baltimore County Council
Oct. 15, 1992
Chairman, County Council



**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Chairman, County Council

SCALE 1" = 200' ±	LOCATION TIMONIUM	SHEET NE 14-A
DATE OF PHOTOGRAPHY JANUARY 1986		

ITEM # 198